

OSWER Directive #9503.50-1A(85)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

DEC 23 1985

MEMORANDUM

SUBJECT: RSI Memorandum for RD&D Permits

FROM: Marcia Williams, Director
Office of Solid Waste (WH-562)

TO: Allyn M. Davis, Director
Hazardous Waste Management Division (6H)

I am responding to your memorandum of November 13, 1985, which requested policy guidance on the following issues pertaining to RD&D permits.

1. May an RD&D permittee who collects hazardous waste from a generator who does not have a TSD RCRA permit, return the unused or reduced part of the waste to that generator after experimentation?

Although the Agency may modify or waive permit application and permit issuance requirements to expedite the permitting of RD&D activities, there is no authority to modify or waive the requirements pertaining to shipping hazardous waste from an RD&D facility. Waste shipped from an RD&D facility must be manifested and go to a facility with a RCRA TSD permit. The RD&D facility could arrange for the generator's transporter to pick up the unused and reduced portions of waste and take it to such a facility -- either the facility normally used by the generator or another facility.

2. How much reporting information should be required from permittees, and who should accept this information and in what form?

The reporting requirements are determined by what information is necessary for the Agency to ensure protection of human health and the environment. Because each RD&D permit is unique, the time-frame for reports and the level of detail required must be determined on a case-by-case basis. Applicants who intend to ultimately apply for a full RCRA permit must assure that their

procedures meet routinely acceptable research practices, otherwise, the Agency may not be able to consider their results in issuing the permit. When Regions receive information on the results of experiments, this information should be submitted to Art Glazer, Program Manager, Permits Branch. This information will then be shared with other EPA Headquarters staff and ORD to assist the Agency in developing permit standards and analytical methods for new techniques and processes, and to assist the Agency's research efforts. There is no set form for submittal of information, except that the information must be legible and the results clear.

3. If the permittee wants to test more than one machine, whether or not they are similar or modified, is a permit required for one set-up or is it for an entire experimental process? When a permittee is finished with one machine, he may want to decontaminate and dispose or sell it, but then he wishes to continue similar experiments. Is this considered partial closure of an RD&D permit?

RD&D permits should cover all experimental processes to minimize the need for permit modifications. The permit applicant should identify, as best they can, all potential alternations or additions to their experimental equipment and this information should be covered in the permit. Given the uncertainty with RD&D activities, we see no problem with including conditions in the permit to cover activities that could potentially occur but do not actually happen.

Decontaminating and disposing or selling one machine, when other equipment is still operating, should be considered partial closure of the RD&D facility. Since an RD&D facility is required to have a closure plan, the permit should address procedures to partially close. Permittees should be required to decontaminate equipment which will be sold. The procedures for decontamination should be specified in the permit.

4. Has any decision regarding mobile RD&D units been made?

Not at this time. As you may know, we have formed a workgroup to develop recommendations for expediting the permitting of mobile treatment units, including RD&D activities. We expect to issue a set of draft recommendations to the Regions for comment in a month or so. In the meantime if you have specific questions on permitting mobile units or wish to provide your thoughts on the issue please contact Art Glazer on 382-4692.

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If you have any further questions on permitting RD&D facilities
please contact Art Glazer on 382-4692

cc: Peter Guerrero
Bruce Weddle
Art Glazer
William Rhea
Permit Section Chiefs Region I-V, VII-X

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